IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4388 OF 2004
IN
CRIMINAL APPEAL NO.395 OF 2004

Mallika Raju & Anr. ...Petitioners.

V/s

The State of Maharashtra ...Respondent.

Mr. M.S. Mohite for the applicants.
Mr. A.S. Shitole, APP for the State.

CORAM: V.M.KANADE,J.
DATE: 21st March, 2005

P.C.:

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. Applicants are convicted by the trial court for an offence punishable under section 373, 366-A, 368, and 323 of the Indian Penal Code and sentenced to suffer R.I. for five years on each count.

3. It is submitted by the learned Counsel appearing on behalf of the applicants that the applicants were arrested after four months. He submitted that the FIR has not been proved as the complainant has not been examined. He has further stated that the Sessions Court, in para 60 of its judgment, has enumerated various lacunae in the prosecution case. He has

submitted that the statements of two witnesses P.W.1 and P.W.2 are full of inconsistencies and that in cross-examination their evidence has been shattered and, therefore, the applicants are entitled to be released on bail.

4. P.W.1 and P.W.2 have stated in their evidence that the applicants had forced them to do prostitution against their will and had also assaulted them if they refused on some occasions. In view of this evidence, this is not a fit case for grant of bail. Application for bail is rejected.

5. Considering the fact that one of the accused is 63 years old lady, liberty is granted to the applicants to prepare a private paper book. Hearing of the appeal is expedited. Liberty to apply for a fixed date of hearing.

V.M. KANADE, J.